

A couple weeks ago I attended a networking portion of the meeting of the Inventors and Entrepreneurs (I&E) Club. One resident told me that she appreciated this column because it contains a lot of information about the city and she had not had a civics class when in high school.

It was nice to hear the complement. But the comparison to a civics class caught me by surprise. There are certainly elements of the city's operation that I take for granted which others may not fully understand.

Among the basic responsibilities of the Common Council, as the city's governing body, is to make decisions. Some decisions are procedural to actually conduct the meeting of the Common Council. At other times, the decisions are actually the enactment of law; local laws are called ordinances. Other decisions – such as to approving a committee appointment or paying the city's bills – fall somewhere between the two extremes. And all the decisions are important.

Motion. A motion is the least formal of the decisions voted by the Common Council. It is typically not written prior to the meeting, instead being introduced orally during the conduct of the meeting. In any case, the motion requires a second, and is voted upon.

A motion is generally used for subjects relating to the procedures or conduct of the meeting. For example, following Robert's Rules of Order, a motion may be used to bring a subject to a vote or may be used to table the subject for future consideration.

However, some motions are more than merely procedural matters; they carry the full legal weight of a resolution despite their not being written. Paying the city's bills, approving a committee's recommendations, and appointing an individual to serve on a committee are often handled by motion. But they are hardly examples of simply conducting a meeting.

Resolution. A resolution is typically related to the internal affairs of the city. For example, bills may be paid, preliminary actions related to a bond issue may be documented, or a specific city official or committee may be directed to perform a certain action.

Resolutions are generally used for actions which are of a temporary or special nature. For example, revising the city's fee schedule is temporary since the schedule is reviewed and updated rather frequently. Or, for example, the Common Council may use a resolution to formalize its desire to apply for a grant, especially one which may require matching local funds. In some instances, a resolution is a required procedure under state or local law; for example, levying special assessments or rejecting bids on public construction projects are actions which state statute directs to be performed by resolution.

Typically a resolution is written, and obviously more formal than a motion. But there really is no specific, legal format for the written resolution; it is, after all, less formal than an ordinance. Resolutions seldom contain penalties for failure to abide. And adopted resolutions are rarely published.

Ordinance. An ordinance is a local law of the city. And, as a law, it prescribes general, uniform, and permanent rules of conduct – as well as the penalty for failing to abide by the ordinance. An ordinance is the basic form of local legislative action. And a law once enacted by ordinance can only be amended by another ordinance.

Generally, ordinances may carry out the city's police powers, allow certain franchises or contracts, relate to construction and property including annexation, or relate to the city's finances including adoption of the annual budget. We have also had a number of ordinances that deal with the composition, duties, and salary of the city council, city committees and some department head positions.

Ordinances that regulate conduct to ensure the safety, health, and welfare of the public are considered the police powers of the city; the city has the legal authority to prohibit, to license, and to regulate certain acts and conduct for the benefit the public interest.

An ordinance is the most formal of the Common Council's decisions. To be valid, an ordinance must meet specific requirements. It must be duly adopted by the council in a legal meeting, including any required notices or public hearings. It must be reasonable in its terms and application, including complying with state and federal laws. And it must be in the public interest, including being within the city's statutory authority.

The ordinance has a specific written format. Historically, Evansville has required two alderpersons to sponsor an ordinance before it can be considered by the full Common Council. Prior to adoption, it typically has two readings, each at a separate meeting of the Common Council. After adoption, an ordinance is required to be published.

Such formality of an ordinance is deliberate. Partly this is because it is important; it is a law after all. Partly this is because it should provide clear notice for the public. And partly the formality is to make sure the action is slow and deliberate rather than some knee-jerk reaction.

Most of the city's ordinances, particularly those regulating public conduct, have been compiled or codified into the municipal code. The municipal code is posted on the city website www.ci.evansville.wi.gov. The E-Notify system on the website also allows you to subscribe to agenda and minutes of the Common Council and city committees.